IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 35 OF 2004

Mr. Netaji Mukund Angolkar,
Central Jail, Aguada. ... Petitioner

versus

1. State of Goa,
through the Public Prosecutor.

2. Inspectror General of Prisons,
Panaji, Goa. ... Respondent

Mr. V. Pangam, Advocate appointed under Legal Aid Scheme for the Petitioner.

Mr. S. Vahidulla, Additional Government Advocate for the Respondents.

CORAM : N. A. BRITTO, J.

DATE : 19TH AUGUST, 2004.

ORAL JUDGMENT

Heard Mr. V. Pangam, learned Counsel under the Legal Aid Scheme on behalf of the Petitioner and Mr. S. Vahidulla, learned Additional Government Advocate on behalf of the Respondents.

2. The grievance of the Petitioner in this Petition was that no Orders in his application for parole submitted by him, to the learned Inspector General of Prisons, were being passed. Since then**, an Order**

dated 2nd April, 2004, has been made by the learned Inspector General of Prisons and communicated to the prisoner.

3. The Petitioner/prisoner has been undergoing a life sentence under Section 302 of the Indian Penal Code from the year 1997, as informed by Mr. Pangam, learned Counsel and since then, the Petitioner was released on parole on three occasions. As submitted by him, when he submitted his application to be released on parole for the fourth time, there was a delay in processing the same on the part of the learned Inspector General of Prisons. A copy of the Order now passed by the learned Inspector General of Prisons dated 2nd April, 2004, shows that the learned Inspector General of Prisons has caused enquiries to be made regarding the ground of sickness on which the application of the Petitioner was based and has come to the conclusion that there was no substance in the ground urged by the Petitioner that his wife was suffering from any sickness and as such has proceeded to reject the Petitioner's request to be released on parole.

4. In view of the Order dated 2nd April, 2004, the Petition is rendered infructuous and consequently, the same is hereby dismissed. The Petitioner would certainly be at liberty to file a fresh Petition, if advised, against the said Order dated 2nd April, 2004.

N. A. BRITTO, J.